

Message Text

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PAGE 01 STATE 169626
ORIGIN SY-05

INFO OCT-01 EA-09 ISO-00 L-03 /018 R

DRAFTED BY A/SY/PSI/I/PVB:RJRUSSELL:MJH

APPROVED BY A/SY/PSI/I:JHMORTON

-----011099 211125Z /15

R 202150Z JUL 77

FM SECSTATE WASHDC

TO AMCONSUL HONG KONG

UNCLAS STATE 169626

E.O. 11652: N/A

TAGS: ASEC

SUBJECT: STATUS OF PERMANENT
ESIDENT ALIENS EMPLOYED O/S

REF: HONG KONG 2145

THE FOLLOWING INFORMATION WAS RECEIVED IN SY/PVB FROM
MS LUCY HUMMER OF THE LEGAL OFFICE:

"WITH REGARD TO THE EMPLOYMENT RIGHTS OF AN EMPLOYEE, WE
LOOK TO HIS STATUS AND NOT HIS CITIZENSHIP. THUS, SECTION
637 OF FOREIGN SERVICE ACT PROVIDES A RIGHT TO HEARING
IN SEPARATION CASES ONLY FOR CERTAIN CLASSES OF EMPLOYEES -
FSO'S, FSR'S, OR FOREIGN SERVICE STAFF EMPLOYEES. THE
HEARING PROCEDURE DOES NOT COVER LOCAL EMPLOYEES.

SECTIONS 662 AND 663 OF THE FOREIGN SERVICE ACT PROVIDE
THAT THE SECRETARY MAY SEPARATE "ALIEN" CLERKS OR EMPLOYEES
FOR UNSATISFACTORY PERFORMANCE OF DUTIES OR MISCONDUCT OR
MALFEASANCE. A LOCAL EMPLOYEE WITH PERMANENT RESIDENT
STATUS IS STILL AN ALIEN AND IS SUBJECT TO THE PROVISIONS
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OF SECTIONS 662 AND 663.

THE REGULATIONS IMPLEMENTING THE FOREIGN SERVICE ACT PRO-
VISIONS CITED ARE FOUND IN 3 FAM 974 ET SEQ. 3 FAM 974.2-1

PROVIDES GUIDELINES FOR POST HANDLING OF SEPARATION CASES
OF LOCAL EMPLOYEES FOR CAUSE. THE FAM PROVISIONS SUGGEST

THAT THE EMPLOYEE BE INFORMED OF THE CHARGES AND BE PER-
MITTED TO APPEAL TO SOME PERSON OTHER THAN THE ONE BRINGING
THE CHARGES AND BE PERMITTED TO HAVE A HEARING AT POST.
WHAT PROCEDURES A LOCAL EMPLOYEE HAS IN HONG KONG DEPENDS
ON WHAT RULES HAVE BEEN ESTABLISHED AT THE POST TO
HANDLE SUCH CASES." VANCE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Sent Date: 20-Jul-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE169626
Document Source: CORE
Document Unique ID: 00
Drafter: RJRUSSELL:MJH
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770259-0482
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770736/aaaabfjm.tel
Line Count: 68
Litigation Code IDs:
Litigation Codes:
Litigation History:
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Message ID: cafe6d66-c288-dd11-92da-001cc4696bcc
Office: ORIGIN SY
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 77 HONG KONG 2145
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 26-Jan-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1799943
Secure: OPEN
Status: NATIVE
Subject: STATUS OF PERMANENT ESIDENT ALIENS EMPLOYED O/S
TAGS: ASEC
To: HONG KONG
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/cafe6d66-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009